

## SENATE BILL No. 215

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-33-48.

**Synopsis:** Madison County courts. Establishes a unified circuit court for Madison County by combining the current judge of the Madison circuit court and the five judges of the Madison superior court into a unified circuit court with six judges. Specifies that the Madison superior court judges serving on June 30, 2010, serve as judges of the unified Madison circuit court. Transfers all cases and other matters pending in the Madison superior court at the close of business on June 30, 2010, to the Madison circuit court on July 1, 2010. Repeals provisions concerning the establishment and operation of the Madison superior court.

**Effective:** July 1, 2010.

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January 5, 2010, read first time and referred to Committee on Judiciary.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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## SENATE BILL No. 215

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A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 33-33-48-7.5, AS ADDED BY P.L.246-2005,  
2       SECTION 221, IS AMENDED TO READ AS FOLLOWS  
3       [EFFECTIVE JULY 1, 2010]: Sec. 7.5. (a) The judges of the Madison  
4       **superior circuit** court may jointly appoint one (1) full-time magistrate  
5       under IC 33-23-5 to serve the **superior circuit** court.

6       (b) The magistrate continues in office until removed by the judges  
7       of the **superior circuit** court.

8       SECTION 2. IC 33-33-48-12 IS ADDED TO THE INDIANA  
9       CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
10      [EFFECTIVE JULY 1, 2010]: **Sec. 12. (a) The Madison circuit court**  
11      **is a court of general jurisdiction with six (6) judges. The divisions**  
12      **of the court shall be known as Madison circuit court No. 1, No. 2,**  
13      **No. 3, No. 4, No. 5, and No. 6. Madison County constitutes the**  
14      **judicial district of the court. The court shall maintain the following**  
15      **dockets:**

16               **(1) A small claims and misdemeanor division under**  
17               **IC 33-28-3 that has a:**



(A) small claims docket; and

(B) minor offenses and violations docket.

(2) Criminal.

(3) Juvenile.

(4) Civil.

(5) Probate.

(6) Problem solving.

(b) The assignment of judges of the circuit court to the dockets specified in subsection (a) must be by rule of the circuit court.

SECTION 3. IC 33-33-48-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 13. The judges of the circuit court shall select from among themselves a chief judge of the circuit court. The chief judge shall be selected for a minimum term of twelve (12) months.**

SECTION 4. IC 33-33-48-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 14. When any action of the entire circuit court is required, the judges of the circuit court shall act in concert. If the judges disagree, the decision of the majority of the judges present and voting controls.**

SECTION 5. IC 33-33-48-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 15. In accordance with rules adopted by the judges of the circuit court under section 16 of this chapter, the chief judge shall do the following:**

(1) Ensure that the circuit court operates efficiently and judicially under rules adopted by the circuit court.

(2) Annually submit to the fiscal body of Madison County a budget for the court, including amounts necessary for:

(A) the operation of the circuit court's probation department;

(B) the defense of indigents; and

(C) maintaining an adequate legal research facility.

(3) Make the appointments or selections required of a circuit or superior court judge.

SECTION 6. IC 33-33-48-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 16. (a) The judges of the circuit court shall adopt rules to provide for the administration of the circuit court, including rules governing the following:**

(1) Allocation of case load.

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- (2) Legal representation for indigents.
- (3) Budgetary matters of the circuit court.
- (4) Operation of the probation department.
- (5) Term of administration of the chief judge.
- (6) Employment and management of circuit court personnel.
- (7) Cooperative efforts with other courts for establishing and administering shared programs and facilities.

(b) The circuit court shall file with the division of state court administration a copy of the rules adopted under this section.

SECTION 7. IC 33-33-48-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. (a) Each judge of the circuit court may, subject to the budget approved for the court by the fiscal body of Madison County, employ personnel necessary for the proper administration of the circuit court.

(b) Personnel employed under this section:

- (1) include court reporters, bailiffs, clerical staff, and any additional officers necessary for the proper administration of the circuit court; and
- (2) are subject to the rules concerning employment and management of circuit court personnel adopted by the circuit court under section 16 of this chapter.

SECTION 8. IC 33-33-48-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 18. (a) The circuit court may appoint a court administrator subject to the budget approved for the circuit court by the fiscal body of Madison County.

(b) A circuit court administrator appointed under this section is subject to the rules concerning employment and management of circuit court personnel adopted by the circuit court under section 16 of this chapter.

SECTION 9. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2010]: IC 33-33-48-2; IC 33-33-48-3; IC 33-33-48-4; IC 33-33-48-5; IC 33-33-48-6; IC 33-33-48-7; IC 33-33-48-8; IC 33-33-48-9; IC 33-33-48-10; IC 33-33-48-11.

SECTION 10. [EFFECTIVE JULY 1, 2010] (a) A judge of the Madison superior court established by IC 33-33-48-2, as repealed by this act, serving on the Madison superior court on June 30, 2010, is entitled to serve as one (1) of the five (5) judges added to the Madison circuit court under IC 33-33-48-12, as added by this act, for a term beginning July 1, 2010. The judge may serve as judge of the Madison circuit court until the expiration of the

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1 Madison superior court term that the judge was serving under the  
2 law in effect on June 30, 2010.

3 (b) The superior court for Madison County is abolished as of  
4 July 1, 2010. All cases and other matters pending in the Madison  
5 superior court at the close of business on June 30, 2010, shall be  
6 transferred to the Madison circuit court on July 1, 2010. A case or  
7 other matter transferred under this SECTION shall be treated as  
8 if the case or other matter were originally filed in the Madison  
9 circuit court.

10 (c) On July 1, 2010, all property and obligations of the Madison  
11 superior court become the property and obligations of the Madison  
12 circuit court.

13 (d) This SECTION expires January 1, 2015.

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